



Entered on Docket
June 29, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING EIGHTH OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

The USACM Liquidating Trust (the "USACM Trust") filed its Eighth Omnibus Objection to Claims Asserting Secured Status [DE 3147] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. A Response to the Objection were filed with this Court as follows:

- Response filed by George D. Frame on behalf of John Dutkin regarding Claim No. 10725-01395 [DE 3512]. Counsel is preparing a motion for summary judgment as to this claim.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Eighth Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☐ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none required).

APPROVED/DISAPPROVED

GEORGE D. FRAME, LTD.

By: _____
George D. Frame
Attorney for John Dutkin, Trustee

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

8th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00727	11/8/2006	\$101,506.85	S
2	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00728	11/8/2006	\$50,723.29	S
3	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00729	11/8/2006	\$50,753.42	S
4	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00730	11/8/2006	\$33,546.65	S
5	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00731	11/8/2006	\$50,723.29	S
6	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00732	11/8/2006	\$50,753.42	S
7	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00733	11/8/2006	\$60,940.27	S

8	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00734	11/8/2006	\$50,753.42	S
9	Di Bias & Sherk Md Employee, Robert & Louise G Benefit Plan Trust Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244	10725-00735	11/8/2006	\$101,446.58	S
10	Di Jorio, Richard 856 Nonie St Santa Rosa, Ca 95403	10725-01475	11/20/2006	\$50,000.00	S
11	Digrazia Dmd Psp, Peter M Christopher D James Esq Po Box 30000 Reno, NV 89520	10725-00102	8/15/2006	\$52,583.35	S
12	Dobyne IRA, Leah K 3416 Cantura Bluff Ave North Las Vegas, NV 89031-3577	10725-01920	1/10/2007	\$57,850.00	S, U
13	Dobyne Living Trust Robert S & Leah K Dobyne Ttees 3416 Cantura Bluff Ave North Las Vegas, NV 89031-3577	10725-01921	1/10/2007	\$237,179.22	S, U
14	Doerr Trustee Of The Doerr Family Trust, Franz W & Linda Patrucco 690 West Riverview Cir Reno, NV 89509-1130	10725-02115	1/11/2007	\$329,742.04	S, U
15	Doerr Ttee Of The Doerr Family Trust, Linda Patrucco 690 West Riverview Cir Reno, NV 89509-1130	10725-02116	1/11/2007	\$329,742.04	S, U
16	Doerr Ttee of the Doerr Family Trust, Linda Patrucco 690 West Riverview Cir. Reno, NV 89509-1130	10725-02116	1/11/2007	\$329,742.04	S, U
17	Donahue, Michael 1795 Newhall Ave Cambria, CA 93428-5507	10725-00297	9/29/2006	\$250,000.00	S
18	Donald & Beverly Swezey Ttee of the Zwezey 2001 Trust 2/20/2001 3666 Cherokee Dr Carson City, NV 89705-6813	10725-02295	1/12/2007	\$50,000.00	S, U

19	Donald E & Jaylyle Redmon Family Trst Dtd 10/31/95 Donald E & Jaylyle Redmon Ttees 51 Sanlo Ln Mountain Home, AR 72653-6333	10725-00473	10/6/2006	\$161,662.50	S
20	Donald L Hess & Kay J Hart Jt Ten 1818 Madero Dr The Villages, FL 32159	10725-02093	1/11/2007	\$50,776.38	S, U
21	Donald M & Janice I Berman Trust Donald & Janice Berman Ttees 3775 Clover Way Reno, NV 89509	10725-00129	8/11/2006	\$100,000.00	S U - Unknown amount
22	Donald M & Janice I Berman Trust Donald & Janice Berman Ttees 3775 Clover Way Reno, NV 89509	10725-00130	8/11/2006	\$25,000.00	S U - Unknown amount
23	Donald P Clark Family Trust Dtd 10/25/94 C/O Donald P Clark Trustee 305 W Moana Ln Reno, NV 89509-4924	10725-00231	9/25/2006	\$709,011.56	S
24	Donaldson, Arthur T Po Box 307 Janesville, WI 53547-0307	10725-01096	11/8/2006	\$2,200,000.00	S
25	Donna Dunn Trust C/O Donna Dunn Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	10725-02111	1/11/2007	\$50,776.39	S, U
26	Donna M Cangelosi Family Trust 5860 Lausanne Dr Reno, Nv 89511-5034	10725-01716	12/11/2006	\$719,000.00	S
27	Donnolo Family Trust Dated 8/24/88 Joseph & Loretta Donnolo, Trustees 3120 Highland Falls Drive Las Vegas, NV 89134	10725-00628	10/18/2006	\$1,200,000.00	S
28	Donnolo Family Trust Dated 8/24/88 Joseph & Loretta Donnolo, Trustees 3120 Highland Falls Drive Las Vegas, NV 89134	10725-00629	10/18/2006	\$100,000.00	S
29	Donnolo Family Trust Dated 8/24/88 Joseph & Loretta Donnolo, Trustees 3120 Highland Falls Drive Las Vegas, NV 89134	10725-00630	10/18/2006	\$150,000.00	S
30	Donnolo Family Trust Joseph & Loretta Donnolo Ttees 3120 Highland Falls Dr Las Vegas, NV 89134-7422	10728-00075	10/18/2006	\$ 258,705.71	S

31	Douglass, John J 1951 Quail Creek Ct Reno, NV 89509-0671	10725-00283	9/27/2006	\$200,000.00	S
32	Downey, William A 3637 Lanch Ave #3 So Lake Tahoe, CA 96150	10725-00074	6/26/2006	\$51,866.68	S
33	Downey, William A 3637 Lanch Ave #3 So Lake Tahoe, CA 96150	10725-00075	6/26/2006	\$72,592.68	S
34	Downey, William A 3637 Lanch Ave #3 So Lake Tahoe, CA 96150	10725-00078	6/26/2006	\$291,324.00	S
35	Downing, Ernest W & Eva M 811 Ne 157Th Ave Portland, OR 97230-5428	10725-01027	11/6/2006	\$150,000.00	S
36	Doyle Family Trust Dated 9/23/99 C/O Patrick J. Doyle And Jill M. Doyle, Ttees 10770 Osage Rd. Reno, NV 89506-8516	10725-00669	10/23/2006	\$80,000.00	S
37	Doyle Family Trust Dated 9/23/99 C/O Patrick J. Doyle And Jill M. Doyle, Ttees 10770 Osage Rd. Reno, NV 89506-8516	10725-00670	10/23/2006	\$50,000.00	S
38	Doyle Family Trust Dated 9/23/99 C/O Patrick J. Doyle And Jill M. Doyle, Ttees 10770 Osage Rd. Reno, NV 89506-8516	10725-00671	10/23/2006	\$100,000.00	S
39	Drubin, Daniel & Laura Joe Laxague Esq Cane Clark Llp 3272 E Warm Springs Las Vegas, Nv 89120	10725-00858	11/13/2006	\$270,000.00	S
40	Duberg, John H 4455 Vista Coronado Dr Chula Vista, CA 91910-3234	10725-02069	1/11/2007	\$87,877.81	S, U
41	Duberg, John H 4455 Vista Coronado Dr Chula Vista, CA 91910-3234	10725-02201	1/10/2007	\$87,877.81	S, U

42	Dunham Trust Company Re: Fred Kewell Ira 4777 Caughlin Pkwy Reno, NV 89519	10725-01538	12/4/2006	\$75,000.00	S
43	Dunham Trust Company Re: Fred Kewell Ira 4777 Caughlin Pkwy Reno, NV 89519	10725-01539	12/4/2006	\$70,000.00	S
44	Dunklee IRA, John C 700 Flanders Rd Reno, NV 89511	10725-00125	8/14/2006	\$54,000.00	S U - Unknown amount
45	Dunklee IRA, John C 700 Flanders Rd Reno, NV 89511	10725-00136	8/14/2006	\$200,000.00	S U - Unknown amount
46	Dutkin Trustee, John C/O George D Frame Esq 601 Greenway Ste D Henderson, NV 89002	10725-01395	11/9/2006	\$56,120.90	S
47	E&M Hardware Profit Sharing Plan C/O James Feeney Trustee PO BOX 19122 Reno, NV 89511-0893	10725-01680	12/11/2006	\$557,184.11	S
48	E&M Hardware Profit Sharing Plan C/O James Feeney Trustee PO Box 19122 Reno, NV 89511-0893	10725-02047	1/11/2007	\$506,747.80	S, U